

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DENNIS MILLER,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 10-3469
	:	
JEFFREY BEARD, Commissioner, Pennsylvania	:	
Department of Corrections, <u>et al.</u> ,	:	
Respondents.	:	
	:	

ORDER

AND NOW, this day of October, 2016, upon consideration of the “Petition for Writ of Habeas Corpus” (Doc. No. 7), the supporting brief, the response and reply in opposition, and “Petitioner’s Notice of Supplemental Authority” and the response thereto, and for the reasons set forth in the accompanying opinion, it is hereby **ORDERED** that:

1. The petition for writ of habeas corpus as to the rape conviction is **GRANTED**.
The rape conviction is **VACATED**.
2. The petition for the writ of habeas corpus as to the death sentence is **GRANTED**.
The death sentence is **VACATED**.
3. Execution of the writs is **STAYED** for 120 days from the date of this Order during which time the Commonwealth of Pennsylvania may retry Petitioner in a manner consistent with the accompanying opinion.
4. After **120** days, should the Commonwealth not retry Petitioner, the writ shall issue and the state court shall sentence Petitioner based on the remaining convictions.

5. Any request for a Certificate of Appealability on the claims which relief has not been granted is **DENIED**.
6. This case shall be marked **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Mitchell S. Goldberg
Mitchell S. Goldberg, J.